IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL {LODGING} NO.23 OF 2007
IN
ARBITRATION PETITION NO.351 OF 2006

M/s. Garden View Realtors
Pvt. Ltd. & Ors. .... Appellants
Vs.
Vinodkumar Gupta & Ors. .... Respondents

Shri Atul Rajadhakshya i/b M/s. Ashwin Ankhad & Associates for the Appellants.

Sarvasri P.N. Modi with P.P. Patil i/b M/s. Thakordas & Madgavkar for the Respondent No.1.

Shri Gautam Ankhad i/b M/s. Dalal & Co. for the Respondent No.5.

CORAM: R.M.S. KHANDEPARKAR &
Dr. D.Y. CHANDRACHUD, JJ.

DATED: FEBRUARY 20, 2007

P.C:

1. Heard. The present appeal arises from the order dated 9-10-2006 passed in Arbitration Petition No.351 of 2006. By the impugned order, the learned single Judge has refused to grant any interim relief for maintenance of status quo or otherwise in relation to the award dated 24-4-2006.

2. In the course of the hearing, the learned Advocate appearing for the appellants submitted that the appellants have already filed a petition under Section

34 of the Arbitration and Conciliation Act, 1996, hereinafter called as "the said Act" and the same has been admitted by the learned single Judge in the last week. Perusal of the impugned order apparently discloses that the application for interim relief was rejected solely on the ground that there was no petition filed under Section 34 of the said Act challenging the award. Since already a petition under Section 34 of the said Act has been filed and admitted, obviously nothing prevents the appellants from moving the learned single Judge for appropriate interim relief, if so desired by the appellants and if it is available to the appellants, in accordance with the provisions of law. The impugned order cannot come in the way of the appellants nor can be a hurdle to the learned single Judge in dealing with such application, if filed in accordance with the provisions of law. With these observations and keeping all the issues which are sought to be raised open, and with further observation that the clarification issued by the order dated 7-2-2007 shall stand, the appeal is disposed of.

(Dr.D.Y.Chandrachud, J.) (R.M.S.Khandeparkar, J.)

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